
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

January 25, 2022

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney and Tara St. Angelo, Attorney

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following statement into record:

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition and Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

PUBLIC COMMENT

Motion made by Heinrich and seconded by Norris to open public comment, all were in favor.

Mel Thiel, BID Executive Director, gave the following report:

Reminded everyone on the business reception that will be held on February 10th at Hawke Point, tickets are \$45.00.

BID is gearing up for the summer events and meeting with members regarding the Farmers Market. Festival in Borough is moving along. A member of the BID brought up a concern regarding blighted properties in the downtown area.

Matthew Bruce, Jackson Valley Rd., Oxford,

Wanted to know about discussing the ordinance for cannabis.

Hearing no further public comment, motion made by Heinrich and seconded by Noone to close the public portion, all were in favor.

NEW BUSINESS-Board Appointments

Motion made by Noone and seconded by Heinrich to affirm the following appointments; all were in favor.

GREEN TEAM New 3-year appointment:

David Butler Term: 01/04/2022-12/31/24

Re-Affirm Green Team Members Terms:

Elizabeth Dowd: Term 01/07/2020-12/31/22

Gary Pohorely: Term: 01/07/2020-12/31/22

David Butler Term: 01/04/2022-12/31/24

Joshua Melchor: 02/02/21-12/31/23 (Appointed 02-02-21)

Mayor & Land Use Board Rep-Vacant

Borough Manager-Matt Hall-Term: 01/4/22-12/31/22

Executive Director of the BID-Melanie Thiel-Term: 01/04/22-12/31/22 (one year term)

Council Member-Josephine Noone Term: 01/04/22-12/31/22 (one year term)

Shade Tree Commission-Suzanne Marr- Term: 01/07/2020-12/31/22 (one year term)

(Mayor and Land Use appointments being left vacant)

Land Use Board Appointments

Sonia Ron, Liaison

Motion made by Noone and seconded by Heinrich to approve the Sonia Ron as liaison to Land Use Board; all were in favor with the exception of Norris voting no.

BID Liaison

Motion made by Heinrich and seconded by Ron to approve Josephine Noone to the BID as the liaison; all were in favor.

Diversity Committee Appointments

Motion made by Ron and seconded by Heinrich to approve Josephine Noone to the Diversity Committee, all were in favor.

Motion made by Noone and seconded by Heinrich to appoint Sonia Ron to the the Diversity Committee, all were in favor with the exception of Cox abstaining.

Senior Advisory Committee

Motion made by Ron and seconded by Noone to appoint Heinrich and Noone to the Senior Advisory committee, all were in favor with the exception of Cox abstaining.

DISCUSSIONS

South Lincoln Property Donation

Deputy Mayor Conry discussing homes being built by Habitat for Humanity. Suggested to Manager and Mayor Higgins to donate the property on South Lincoln Avenue to a Veteran for Habitat for Humanity to build a house.

New Digital Sign

Deputy Mayor Conry requested that a new sign be put in the budget to go out in front of building. Manager will look into seeing if there are any grants available for this.

Cannabis Zoning Ordinance

Attorney St. Angelo explained that this will be discussed in executive session for attorney advice and action may be taken at a later meeting dependent on discussions in executive session.

Approval of Performance Bond-Taco Bell

Attorney St. Angelo explaining situation with the temporary occupancy to be issued as long as they post a cash performance bond for that work by April 15th. Once they have it complete a final certificate of occupancy can be issued and the Land Use Board Engineer Stan Schreck is ok with this. The developer will need to pay their contribution into the Affordable Housing Trust Fund.

Additional Official Newspaper

Attorney St. Angelo gave an explanation in the problematic situation alot of towns encounter regarding publication in newspapers. The special meeting on January 12th notification did not get published in time. At next meeting Attorney St. Angelo recommends doing a resolution designating the regular Express Times as the newspaper then keep the Star Ledger and keep the Warren County Zone (Express Times).

EXECUTIVE SESSION

Motion made by Heinrich and seconded by Noone to enter into executive session for Attorney advice all were in favor.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, P.L. 975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss Attorney advice on zoning ordinance concerning cannabis. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion made by Heinrich and seconded by Noone to return to regular session at 7:52 p.m., all were in favor.

RESOLUTIONS

Motion made by Heinrich and seconded by Ron to adopt Resolution 2022-21

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 4 Nays: 1(Cox) Abstain 1 (Noone)

Motion passes.

RESOLUTION 2202-21

RESOLUTION AUTHORIZING 2022 PROFESSIONAL SERVICES CONTRACT WITH WINEGAR WILHELM, GLEYNN & ROEMERSMA FOR PUBLIC DEFENDER SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2022 adopted budget amount, excluding any escrow related services and;

WHEREAS, Winegar Wilhelm Glynn & Roemersma has completed and submitted a Business Entity Disclosure Certification which certifies that Winegar Wilhelm, Glynn & Roemersma has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Winegar Wilhelm Glynn & Roemersma from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Winegar Wilhelm Glynn & Roemersma Law Offices

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Winegar Wilhelm Glynn & Roemersma Law Offices as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Winegar Wilhelm Glynn & Roemersma Law Offices

Motion made by Heinrich and seconded by Norris to adopt Resolution 2022-22

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6

Motion passes.

RESOLUTION 2022-22
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A-.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 7, 2021 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$173.60 for taxes or other municipal liens assessed for the year 2020 in the name of ANDERSON, MICHAEL S & SAMANTHA as supposed owners, and in said assessment and sale were described as 5 SUNRISE TERRACE, Block 43 Lot 4, which sale was evidenced by Certificate #21-00026 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1/6/2022 and before the right to redeem was cut off, as provided by law, Investors Bank claiming to have an interest in said lands, did redeem said lands claimed by BALA PARTNERS LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$941.07 which is the amount necessary to redeem Tax Sale Certificate #21-00026.

NOW THEREFORE BE IT RESOLVED, on this 18th day of January, 2022 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$2,141.07** (This consists of \$941.07 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 4 from the tax office records.

Motion made by Heinrich and seconded by Norris to adopt Resolution 2022-24,
Motion to amend same resolution to include to add the requirement to make the payments into Affordable Housing Trust Fund and prepare Harmless Agreement by Attorney.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6

Motion passes.

RESOLUTION 2022-24

**CASH PERFORMANCE BOND AGREEMENT FOR A
TEMPORARY CERTIFICATE OF OCCUPANCY**

This Cash Bond Agreement is entered into on January 18, 2022 between OZE JADE, LLC, a limited liability company of the State of New Jersey, with an address at _____ (the “Developer and the Borough of Washington, in the County of Warren, State of New Jersey (the “Borough”).

WHEREAS, the Developer is the owner of property designated as Block 95, Lots 1 and 31 on the Tax Maps of the Borough of Washington, Warren County, New Jersey (the “Property”); and

WHEREAS, the Borough of Washington Land Use Board (the “Board”) granted Preliminary and Final Site Plan Approval to permit the development of a fast-food restaurant on the Property (the “Project”) by Resolution dated November 18, 2019 (the “Resolution”); and

WHEREAS, the Resolution requires the Developer to complete certain site improvements prior to receiving a Certificate of Occupancy; and

WHEREAS, due to material shortages caused by the ongoing COVID-19 pandemic, the Developer was unable to complete the following site improvements: three (3) ramps, and two (2) crosswalks, as noted on the Construction Plans attached hereto as part of the agreement attached hereto as Exhibit A; and

WHEREAS, all other site improvements have been completed in accordance with the Resolution; and

WHEREAS, Developer has agreed that the ramps and cross walks will be installed no later than April 15, 2022; and

WHEREAS, the Borough Engineer has determined the cost of the improvements to be \$39,860 as set forth on the estimate attached hereto as part of the agreement attached hereto as Exhibit A; and

WHEREAS, the Borough Council agrees that the Developer shall be able to receive a Temporary Certificate of Occupancy for the Project pending the installation of the above-referenced site improvements, provided a performance bond is provided, the agreement attached hereto as Exhibit A is signed, and the non-residential development fee set forth in Borough Ordinance Section 94-95; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, New Jersey as follows:

1. The Mayor and Clerk are authorized to sign the Agreement attached hereto as Exhibit A.
2. The Temporary Certificate of Occupancy shall not be issued to the Developer until the following conditions have been met:
 - a. Developer signs the Agreement attached hereto as Exhibit A.
 - b. Developer posts the cash bond in the amount noted in Exhibit A.
 - c. Developer pays the affordable housing trust fund non-residential development fee set forth in Borough Ordinance Section 94-95
3. This Resolution shall take effect immediately.

Motion made by Heinrich and seconded by Noone to adopt Resolution 2022-25

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 4 Nays: 2 (Cox and Norris)

Motion passes.

RESOLUTION 2022-25

**RESOLUTION OF THE BOROUGH OF WASHINGTON TO KEEP THE TEMPORARY
VACANCY IN THE OFFICE OF MAYOR OPEN UNTIL
THE VACANCY IS FILLED IN THE 2022 GENERAL ELECTION**

WHEREAS, on December 28, 2021, Mayor David Higgins (“Mayor Higgins”) resigned from his position of Mayor for the Borough of Washington; and

WHEREAS, the term of the office held by Mayor Huggins expires, as a matter of law, on December 31, 2024; and

WHEREAS, the resignation of Mayor Higgins created a vacancy in the office of Mayor for the Borough of Washington; and

WHEREAS, the Borough of Washington is a municipality which holds general elections for the offices of Mayor and members of Council; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) provides, in pertinent part, that if a vacancy occurs in accordance with N.J.S.A. 40A:16-3 and if such a vacancy occurs at any time prior to September 1 of the next to the last year of the officer whose office has become vacant, the vacancy shall be filled for its unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy; and

WHEREAS, New Jersey Statute N.J.S.A. 40A:16-5(b) further provides that the governing body may fill the vacancy temporarily by appointment as hereinafter provided; and

WHEREAS, the Court in Linden Democratic Committee v. City of Linden, 2021 N.J. Super LEXIS 110 (App Div. 2021) ruled that N.J.S.A. 40A:16-5(b) vests the decision to appoint an interim successor to fill a temporary vacancy with the governing body in its discretion.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington that, pursuant to N.J.S.A. 40A:16-5(b), the governing body, in its discretion, elects not to fill the office of Mayor temporarily by appointment; and

BE IT FURTHER RESOLVED, that the office of Mayor that has become vacant by the resignation of Mayor Higgins is to be remain temporarily vacant during the interim period from the time the vacancy occurred until the time of the 2022 general election.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Noone to pay vouchers and claims.

Roll Call: Conry, Cox, Heinrich, Noone, Norris and Ron.

Ayes: 6 Nays: 0

Motion passes.

COUNCIL REMARKS

Councilman Norris gave the following remarks:

- With regards to the Proclamation for Chief Dirk Higgins, Norris congratulated him for the four years of service. Added that the DPW and Police all do a great job.
- Discussions of Deputy Mayor and term, and asked why she was nominated again when she had one year left on her term.

Councilwoman Ron gave the following remarks:

- Happy to hear Chief Higgins will be recognized for the incredible job he has done.

Councilwoman Cox gave the following remarks:

- Inquired about the complaint filed between one council member with another.

Councilman Heinrich gave the following remarks:

- Thanked Chief Higgins for everything he has done for the Borough and Fire Department.

Councilwoman Noone gave the following remarks:

- Thanked Chief Higgins for the service to the Borough.

Deputy Mayor Conry gave the following remarks:
Thanked the following employees for doing a good job:

Matthew Hall	Borough Manager
Laurie Barton	Clerk
Holly Dominguez	Tax Collector
Lisa Gerickont	Deputy Tax Collector
Natasha Turchan	CFO
Paula Drake	Accounts Payable
Barbara Van Why	Administrative Clerk
Lee Lynn Geller	Administrative Clerk
Rose Witt	QPA
Heidi L. Kaiven	Library Director
Teresa M. Colacchia	Library Staff
Tracy L. Quamme	Library Staff
Madeline E. Pennello	Library Staff
Julia Bisse	Library Staff
Pamela E. Schafer	Library Staff
Mabintou S. Fofana	Library Staff
Amy S.Twohig	Library Staff
Sinead A. Twohig	Library Staff
Susan Turner	Deputy Clerk
Jonathan James	DPW Supervisor
Shane Kearney	Laborer
Derek Martino	Laborer
Kenneth Hoy	Operator
Darryl Wright	Assistant Supervisor
Cory Williams	Truck Driver
Charles Mc Dade	Operator
John Diana	Laborer
Ryan Pluto	Laborer
Albert Strunk	Laborer
Robert Howell	Laborer
Craig Brotons	Tax Assessor
Sigrid Sorg	Clerk to Tax Assessor
Patricia Titus	Land Use Board Clerk
Dirk Higgins	OEM Coordinator
Robert Lagonera	ACO

- Deputy Mayor Conry addressed rumors circulating on social media regarding her husband who works for the Board of Education and Shared Services the borough has with them for janitorial services.
- Addressed OPRA requests and the attorney fees related to these requests.
- Thanked the Council and added that everyone here are not here to bash each other.
- Supports the Manager and all members of Council for the Borough to thrive and for the businesses, Council is behind them in supporting them.

EXECUTIVE SESSION

Motion made by Heinrich and seconded by Noone to enter into executive session for potential litigation and contractual, all were in favor.

RESOLUTION
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, P.L. 975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss complaint from a council member and zoning with regard to a property. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

Motion made by Norris and seconded by Heinrich to return to regular session at 8:38 p.m., all were in favor.

Motion

Motion made by Heinrich and seconded by Noone to hire services of Frank Whittlelesly for Special Counsel, all were in favor.

ADJOURN

Hearing no further business to come before Council, motion made by Norris and seconded by Heinrich to adjourn the meeting at 8:40 PM, all were in favor.

Laurie A. Barton, RMC
Borough Clerk